MODIFICATION TO THE MEMORANDUM OF UNDERSTANDING

between the
Idaho Department of Environmental Quality,
Idaho Department of Lands,
and the
Idaho Transportation Department
regarding
Material Site Bk-142s, also known as "Highway Pond"

I. MODIFICATION

1. Pursuant to section VI. of the Memorandum of Understanding between the Idaho Department of Environmental Quality, Idaho Department of Lands, and the Idaho Transportation Department (hereinafter referred to as "MOU"), effective September 25, 2001, the Parties agree to delete the language in section V., paragraph 12 and replace it with the following language:

Submit to IDL and DEQ for review and comment finial reclamation engineering and design plans and specification by the end of 2005 or prior to the preparation of bid specifications for construction of the Chubbuck – Pocatello Creek project. The submitted plans should include, but not be limited to, the following:

- Material volumes calculated for the project,
- Six inch minimum topsoil thickness for the entire site,
- A final grading plan showing 3H:1V or flatter slopes,
- Details regarding topsoil or suitable growth medium to be spread across the floor and walls for reclamation,
- A revegetation plan with details regarding seed, fertilizer, and mulch to be applied to all disturbed areas.
- 2. Except as is expressly provided herein, all terms and conditions of the MOU remain in effect.

This Modification to the MOU is effective the date of the last signature herein.

/s/_	12/15/04
TONI HARDESTY	Date
Director	
Idaho Department of Environmental Quality	

<u>/s/</u>	12/15/04
Winston Wiggins	Date
Director	
Idaho Department of Lands	
/s/	12/7/04
Ed Bala	Date
District Five Engineer	
Idaho Transportation Department	
/s/	Dec 6, 2004
Approved as to form	Date
Idaho Transportation Department Legal Counsel	